
**Natural Resources, Ecology &
Parks Committee**

HB 1982

Brief Description: Preventing harmful algae blooms.

Sponsors: Representatives Green, Buck, Talcott, Miloscia, Orcutt, Lantz, Kretz and Kilmer.

Brief Summary of Bill

- Designated the Department of Ecology as the lead state agency to coordinate, plan, and direct the state's algal bloom control and prevention efforts.
- Requires the Department of Ecology to develop expedited general permits for algae treatments in lakes.
- Requires 10 percent of the money in the Water Quality Account to be used for program activities that control and prevent algal blooms in lakes.

Hearing Date: 2/25/05

Staff: Jason Callahan (786-7117).

Background:

Water quality in Washington

The Department of Ecology (Department) is the lead state agency for water quality. This includes the jurisdiction to control and prevent the pollution of all surface and underground water in the state. To exercise this jurisdiction, the Legislature has delegated to the Department the authority to issue water quality permits, which are required in order to release any pollutant into the state's waters, and to seek enforcement against those that are operating without a permit. The Department has also been delegated authority from the federal government to implement federal Clean Water Act requirements.

Aquatic Weeds

The use of pesticides or herbicides in aquatic environments requires a water quality permit from the state. However, the Department has specific statutory authority to address noxious aquatic weeds and other aquatic plants. This includes special permits, or exemption from permitting

requirements, for the treatment of various noxious species, including spartina and Eurasian water milfoil.

Water Quality Account

The Water Quality Account (account) is an appropriated account that is administered by the Department. The money in the account is used for grants and loans to public bodies for water pollution control activities. During the current biennium only, money in the account may also be used for processing certain water rights applications and for technical assistance in watershed planning.

Money in the account comes primarily from certain identified tax receipts. These revenue sources include a portion of the state tax on cigarettes and other tobacco products and the state sales and use taxes on materials that become part of a water pollution control facility. The account may also retain revenue generated by interest on any loans that are made from the account's balance.

Summary of Bill:

Lead agency for preventing lake algae

The Department is named the lead agency for preventing and controlling harmful algal blooms in lakes. The responsibilities that come with being the lead agency include coordination, planning, and direction of control activities.

The coordination aspect of the algae control program involves entering into memorandums of understanding and other agreements with other governmental entities and private parties.

The planning aspect requires the Department to prepare a statewide harmful algae management plan for the lakes in the state. The plan must prioritize areas for control, and be developed with other governmental entities, private landowners, and other concerned citizens.

The direction portion of the program involves establishing control efforts on the ground. These efforts must include algae surveys, the collection of data concerning the location of algal blooms, purchasing necessary equipment, and surveying endangered species.

Expedited and experimental water quality permits

The Department must issue or approve water quality permits to be used for the prevention and control of harmful algal blooms. These permits must be issued through an expedited water quality general permit that does not condition or burden algae control efforts.

In addition, the Department must prepare a risk assessment by May 15, 2005. This assessment must address the risk of using calcium hydroxide and carbon dioxide to form calcium carbonate as an experimental mechanism to address phosphorus concentrations and algae control. This assessment must be conducted in lakes that have had harmful algal blooms within the past three years. Additional risk assessments must be conducted for other experimental treatments aimed at lowering phosphorus levels in lakes.

Water Quality Account uses

Ten percent of the money in the account is required to be used for program activities that control and prevent algal blooms in lakes. These programs can include full grants or matching grants to

state agencies, local governments, non-profit corporations, or any other entity for the control and prevention of algal blooms in lakes.

Reports

The Department must submit annual reports to the Legislature through 2010. The reports must describe the progress of the program, the number of acres treated by the various control methods, the funds spent, and recommendations for any legislative or regulatory changes.

Appropriation: None.

Fiscal Note: Requested on 2/14/05.

Effective Date: The bill contains an emergency clause and takes effect immediately.